

**Policy Process Steering Committee (PPSC) Working Group Model (WG) Work
Team (WT)
TRANSCRIPTION
Wednesday, 16 December 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Policy Process Steering Committee Working Group Model (WG) Work Team (WT) meeting on Wednesday 16 December 2009, at 19:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but **should not be treated as an authoritative record. The audio is also available at:**

<http://audio.icann.org/gnso/gnso-ppsc-20091216.mp3>

On page:

<http://gnso.icann.org/calendar/index.html#dec>

(All MP3's and transcriptions can be found on the calendar page).

Present:

J. Scott Evans - IPC Work Team Chair
Avri Doria - NCSG
Cheryl Langdon-Orr – ALAC chair
S. Subbiah - Individual
Jonne Soininen – Individual

Staff:

Marika Konings
Ken Bour
Glen de Saint Gery
Gisella Gruber-White

Absent apologies:

Iliya Bazlyankov
Nacho Amadoz
Caroline Greer

Coordinator: Excuse me. I need to inform all parties that today's conference is being recorded. If you have any objections, you may disconnect at this time. Thank you.

J. Scott Evans: Thank you.

Gisella Gruber-White: May I do a quick role call for you, J. Scott?

J. Scott Evans: Yes, yes, yeah.

Gisella Gruber-White: On the call we have Avri Doria, J. Scott Evans, Jonne Soininen and Subbiah. And Cheryl Langdon-Orr will be a few minutes late, she is on another call. And there is Iliya Bazlyankov, who may join on Adobe. For staff, we have Marika Konings, Ken Bour, Glen de Saint Gery and myself. Over to you, J. Scott. Thank you.

J. Scott Evans: Okay. For recording purposes, I want to go back and say that I had started the meeting without the recording, so let me backtrack to what I was saying.

We have been asked by Marika to look at four questions. It appears that we're going to have a relatively small group today, so I advised Marika that I thought it was very important that we took good notes today, so that the discussion today could be circulated to the group via email in the hopes that we would get a more robust discussion and some additional diverse insight from others.

And with that, I said that Subbiah, Caroline Greer and Avri have looked over the four questions that were posed to us, and have made some comments. But then I thought overall, as a non-voting chair, that I wanted to remind everyone that at least to me, I believe one of the precepts of the reorganization, the system or the PDP process, was to get away from a voting model. And that I thought that it was incumbent upon us to keep that basic tenant in our minds as we looked at these questions.

With that, Marika, I'm going to turn it over to you to lead us through the questions. And if you could please speak for Caroline today, as she is not here.

Marika Konings: Okay. This is a Marika.

S. Subbiah: Scott, this is Subbiah. I just want to clarify something about what you were saying. Were you saying by chance that in the new model going forward, the GNSO council doesn't vote?

J. Scott Evans: No, no. Workings groups don't vote.

S. Subbiah: Yeah, the working group doesn't vote, but I suspect that the question here that they are asking is, the working group doesn't vote, but if we have a strong support for all these different categories, right? Then the question is, what is the GNSO council going to make of that, right? I mean, that's really what it is, right?

J. Scott Evans: Let's go through the questions one by one.

S. Subbiah: Yeah, okay, right, sure.

Marika Konings: So this is Marika. So just to put into context. These were some questions that were raised in discussions on the PDP work team, and they were wondering, you know, they've had some discussions around these and are still having them, and what the working group views are on these issues and whether they are being addressed or dealt with within the document that this group has developed.

So the first question is, "How should the GNSO deal with recommendations that are not consensus recommendations, but have strong consensus or strong support?"

And just to quote what Caroline's opinion is, she says, "I think the council would need to examine each situation on its own merit. It would obviously therefore being important that a working group provides enough detail to the council so that the council has as much information as possible to make an informed decision."

So the next comment from Subbiah. Subbiah, do you want to...

S. Subbiah: I mean all I was trying to do was trying, I wasn't trying to come up with a solution as such, I was just trying to frame the question. If you look, we have one of the extremes here. I mean, you know, this is a difficult thing to achieve, so the question is what are the different extremes here? That's what I was trying to - I just shot off that from the moment we put the email out within a few minutes, because I couldn't come to a conclusion.

So I just said, look, these were the different things that would be getting a debate going. And I actually felt like what Avri put together later - but first. Let me just, for me it's clear that I guess when it's a consensus there is no question. Then the other two scenarios in this, I mean with consensus, well I don't know whether theirs is no question, because does it mean if there is full consensus in the team, everyone is unanimous.

It's true that the GNS - I think the GNSO council doesn't need to follow what the working group said. I think that's going to be allowed form, right? They can make any decision they want. But on the other hand, what is the expectation. If the consensus, full consensus, does it automatically kind of somewhat suggest that the council, GNSO council should go along. You know, I mean, is that kind of a recommendation, not a forced thing? I mean that's not clear itself. But I assume that at some level if there is unanimous consensus, there is some expectation that the GNSO council would follow that. I would hope so.

But any way, number two is the second case where there is no consensus, right. I mean where there is really no consensus, it's just a mess or it's just a bunch of minority views. Well I guess then the argument should be that the GNSO council should just, you know, decide on its own, because, you know, there is no decision from the WG, the working group. So I think that's also fairly clear I would have thought the two extremes.

But the middle one is the real issue, right? Which is that some believe there is some strong support, but there are some people that are (unintelligible). So as far as that's concerned, I think that the only answer I can give is for me is to say, look that it's a case by case situations. I mean, everything is. But the recommendation to the council would be that, you know, there is strong support, so please look at this very carefully and see whether you can support that strong support at the council level, taking into view, you know, your thoughts about representation.

I mean, the working group is supposed to have been well balanced and represented anyway. And as Avri points out, a good idea is a good idea. But as we all know, the council itself will vote based on its own politics, so that's all we can suggest. That's my take on the three scenarios.

J. Scott Evans: Okay. Avri?

Avri Doria: Okay now. First of all, I'd like to go back to some of the things that were said. I don't think that first of all the council is kind of weird how it works. The council is really not supposed to be voting on everything. The council is all supposed to be working on consensus. At first it was, well there would be no votes and people said, no, no, no, no, no, sometimes there has to be votes. And now the voting mechanism puts in, it looks like people are thinking that everything is a vote, and that may be the case.

In terms of my understanding of the way it goes with working groups, is that if there is a consensus and if the council can verify, based on due diligence that that consensus was a well formed consensus, then really they need to go with it. They may want to add something saying, you know, we think this is nuts personally, but this is what they recommended.

Now we then get into what is a well formed consensus. You know, was there a wide enough spread of opinion? Were all the issues described? Certainly if the council looks through it and says, you came to consensus, but you never

considered (DENF)? What about (DENF)? What do you think of those. So certainly then the council needs to send it back and say, hey guys, go work on (DENF). Then they go to the answer that I've got there. If there isn't consensus, you know, look at it. Was it exhausted? Did they try everything they needed to do to reach consensus? Did they understand all the varying points?

But if at the end of the day there wasn't a consensus reached and everything was done that could be done, and if it's a rough consensus, well that's almost as good as a consensus, you go with it. If it's further slipped than that, then the council needs to do a little bit more and figure out how it's going to make a decision.

J. Scott Evans: This is J. Scott. I - it's my understanding from having read the special committee that put together the idea for reform, that Avri's point is well taken. It is my understanding that the GNSO council is no longer a legislative body. They are a body that is to make, to insure that the process has worked effectively.

So in other words, if when they receive something that is rough consensus or strong consensus, and they determine that the process was appropriately followed, then they simply send a report they (unintelligible) it, send this to the Board of Directors as is. No vote. They basically say we've reviewed it, haven't reviewed it, we've reached a consensus that this group was representative, that all the processes that took additional time, there were minority reports. Here it is.

Now the Board then takes that and then may give it some weight and make a decision where they vote. But I don't understand - it's not a thing where like it's been in the past where the working group and then everybody scrambles around to lobby the council, saying well, you know, our group is here and their group is there, and you have to do this, you can't do this. It's basically the look at the process, they insure the process is (unintelligible) as

(unintelligible), then they agree by consensus, either to accept the determination of the working group, send it back to the working group or not accept it.

Avri Doria: This is Avri. If I can add one thing. They also do have the privilege of adding their own minority report, as it were.

J. Scott Evans: You're right.

Avri Doria: If they say it's well formed then someone on, you know we just don't agree, they're allowed to attach a statement saying, yes, well we just don't agree.

J. Scott Evans: Absolutely. And I think that is part of the open process is to allow them to have their view or a portion of them have their own view.

S. Subbiah: This is Subbiah. So if that's the case, I mean I don't know, it's all in flux. But if that's really the case that Scott Evans says that they don't have a minimal leverage nature to what they are the council, then it appears to me that, you know, that we should just basically, to my point of view, is to mirror that. That means our recommendation should be to them on this point is to basically reinforce that thing. That's I think what we'd like, or at least from our point of view say that.

J. Scott Evans: Yeah, I don't think it's fairly what we like, Subbiah, because I've got to tell you, my vote, and I don't vote here, but my vote is I would much rather have a voting situations...

S. Subbiah: Oh really?

J. Scott Evans: ...but I'm just saying what the tenant is from the board's committee, they said no more voting.

S. Subbiah: I see, yeah.

J. Scott Evans: Is that not correct, Avri? I mean that's sort of what - they are no more voting, not a legislative body, a managerial body, is that not correct?

Avri Doria: Sort of. They did relent on the no voting, and in fact, you know, in PDPs and everything there is all kinds of voting thresholds. So they actually did put in voting. And so it sort of went back on the not a legislature stand and they are supposed to try and reach decisions by consensus. But certainly in the PDP they currently, now unless that gets changed when the PDP starts changes - but I don't see that necessarily happening, that you have voting thresholds in the bylaws now, and I expect probably in the future.

J. Scott Evans: Is that for elections or is that also?

Avri Doria: For elections for PDPs and for anything they decide they have to vote on. Yes it's better if they can reach consensus, but on a PDP they actually do vote, they vote to end it.

J. Scott Evans: Marika, can I ask that you post that section of the bylaw for the GNSO to the group so that we can see how that works out? That may influence these discussions.

Marika Konings: Yes, no problem. I can pull it up now in a note. But just to comment on the discussion. In the PDP work team, they've also been discussing like how the council should consider recommendations and excepting the fact that the council should be a managerial body, I think many realize that it's probably nice and (unintelligible), but it's not really likely to happen anytime soon in practice.

So they are discussing issues, as well, like if a working group makes ten recommendations, and you know, what leverage should the council have to adopt some, not all, make changes, send it back or not.

So those are some of the discussions that the PDP work team is having as well, and I think they are going in different directions as to what should be possible and what shouldn't. You know, just to give you some background, as well, as to what they are discussing in that relation.

J. Scott Evans: Okay.

S. Subbiah: And this is Subbiah again. Just so that I know that we don't have enough of the information, things are in flux, but my take on it is a compromise. The compromise is basically if there is generally consensus and well balanced and all that stuff is verified as Avri said, and there is total consensus or, you know, strong support or something like that, and it's been well balanced, then I, in my view of the world, you know, I think that pretty much the council should just rubberstamp that and maybe add on stuff.

But all minority viewpoints were presented, we should just rubberstamp it, because the notion would be - the thinking there is that in the past the council has not been a council of experts on the topic basically, cannot be an expert on everything.

So if a group of experts that are considered well balanced have come across and they have said, looks this was in open discussion and they have said this is a consensus or close enough consensus, then you know it should be pretty much adhered to. You can add on, you can subtract a few things, whatever, but basically should be pretty much accepted. That's my recommendation.

Now if that is not the case, that it's all over the place or no consensus or different minority, each within two different casts and so on, then, you know, I think that the council should be entitled to in that particular case to, you know, if nothing else works, go ahead and vote and make a decision for all of us. I mean that's my general take on this.

J. Scott Evans: Yeah, I agree with you, Subbiah, and I think that one of the things we want to send the message back or I would encourage you all to send a message back is, you know, one of the things that I hear coming out from everyone's comments, is an effort to de-politicize decision making.

And I think as a working group level, at least in my experience, and Avri, you have much more experience than I do in that particular forum, but I believe, it is less politicized and more concentrated on problem-solving as a working group level. Where I've seen it in my experience become very politicized and get distorted at the GNSO level. And I'm not casting aspersions on councils past or present, I'm just saying that that is my perspective.

Avri Doria: Yeah, councils are incredibly political unless somebody works to keep it from being that way.

J. Scott Evans: And so I'm thinking that, you know, as we craft back in the next week or two our comments on these questions, that should be our over-arching message. I just put that out for everyone to think about.

Let's move on to number two, because we've only got about ten minutes left.

Cheryl Langdon-Orr: Hang on. I thought it was like a six o'clock start.

J. Scott Evans: It was, but I'm going to have to...

((Crosstalk))

Cheryl Langdon-Orr: ...right - has my whole clock system gone out of whack? It's not even a half-hour yet.

J. Scott Evans: No it's not that, Cheryl, I didn't even know you joined, because I don't see you here on the...

Cheryl Langdon-Orr: I'm desperately trying to get in it. We'll have a (unintelligible) for that in a minute, sorry.

J. Scott Evans: We knew that you were coming. Glen was kind enough to allow us to know that you, as usual, were busy with yet another meeting. So...

((Crosstalk))

J. Scott Evans: Do you have any comments with regards to the first question, Cheryl.

Cheryl Langdon-Orr: The only thing I was going to say is here, here, and I do support what was said. I do think the use of anything that will be politicized and therefore reduce the likelihood that the rank and file, who work group will have worked so hard for a consensus outcome, then if everything gets turned over at the next level, it's demoralizing and tends to destroy future work groups, because people go why will I bother. And I think it's very important that we make those points. I, from an at large point of view, we've had the luxury, I guess the luxury, of using work groups successfully to de-politicize a far too politicized I elect, as we move from the old version of I elect to the current and now the new version of I elect.

J. Scott Evans: Right. I agree. And so that's sort of where we are. But Marika, but help inform us in the notes that you sent around, if you wound again, paste in the bylaw provisions with regards to voting thresholds, so we can see how it's laid out in the new structure with regard to voting, so that we can have a better, more intricate understanding of that?

Marika Konings: Yes. I'm actually - I'm about to send it out in a separate note so people can see, because the bylaws are quite long.

J. Scott Evans: Yeah, all I want is that particular section...

((Crosstalk))

Marika Konings: Oh, the (unintelligible).

J. Scott Evans: That will help inform the discussion. So let's move on to number two.

Avri Doria: J. Scott, can I ask one question?

J. Scott Evans: Sure Avri.

Avri Doria: I'm wondering if we've hit one of those points, based upon what Marika said, that we should have a gathering where PDP and work group work teams do a little bit of cross-conversation, because we're starting to talk about issues that both would care about. And so I'm wondering whether you and (Jeff) should coordinate something so that we can coordinate.

J. Scott Evans: That's a very good idea, and I will put to this group something that is probably going to be the most controversial thing I've ever said, at least in current context. Do you all think that perhaps it would be good for us to participate in that face to face meeting, should it come to fruition, so that we can handle some of these cross-issues at the time?

S. Subbiah: You mean another conference call, right? Not face to face.

J. Scott Evans: Well, no, there is a move Subbiah to have a face to face meeting with the PDP. And I'm not asking anyone to express their opinion of whether you think there should be a face to face meeting or not, I understand there are divergent views. My question is, if it takes place, do you believe there would be value for members of our group to participate in that meeting, so that we can handle some of these issues, as well as finalize ours?

Cheryl Langdon-Orr: Whoa. Yeah, you're right, that's controversial.

J. Scott Evans: So, perhaps?

Marika Konings: This is Marika. I think there is definitely merit for the two groups to talk together on these issues, but just looking at what this PDP working will have on its plate to try to accomplish in those two days, I'm not really sure whether they will get their things done if you also focus on some of the crossover issues.

J. Scott Evans: Okay. I will send (Jeff) if we can get at least, if not his co-group, a sub-group of his to have a discussion about it.

Cheryl Langdon-Orr: Yes.

J. Scott Evans: Okay, via telephone.

S. Subbiah: Yep.

J. Scott Evans: Hey guys, I've got to drop off here, but because Cheryl is...

((Crosstalk))

Cheryl Langdon-Orr: Hey Scott, I'm going to take this personally. By Adobe is finally opening.

J. Scott Evans: No, but I'm going to suggest you all (unintelligible), I'm a non-voting chair and Marika can take you all through these questions. I'd like you all to go ahead and finish discussing them, so that when she posts here notes, for folks like Caroline who cannot be here, and cannot be here due to prior scheduling conflicts, that she will have that executive summary of your thoughts. So I would encourage you all to continue without me, which will be delightful.

Cheryl Langdon-Orr: I will take it personally, but yes.

J. Scott Evans: Next, I would suggest that our next call be after the New Year, which I think is the 6th of January.

Woman: Yes.

J. Scott Evans: So we will be missing next week and the week after, so the next call will be in two weeks. Glen, did you get that?

Gisella Gruber-White: Hi there, Scott, it's Gisella, I've got it 6th of January.

J. Scott Evans: Super, January 6 I believe is the first Wednesday.

Gisella Gruber-White: Correct.

J. Scott Evans: To each of you a happy holiday season and enjoy the New Year. We'll speak again and please continue the discussion, so far they're going very well. Marika, if you will take over as chair I'd greatly appreciate it.

Marika Konings: Okay, thanks.

Avri Doria: Bye-bye.

Cheryl Langdon-Orr: Whoa, sorry about my parting, but yes, I'll try to give you (unintelligible) reading, Scott, bye.

Man: The same from me, also, J. Scott.

Marika Konings: Okay, so, moving on to Question 2 then. Should it matter who is supporting those recommendations - i.e. if there is rough consensus between all constituency stakeholder groups, but it's only two individual members of the team not representing anyone but themselves, should that be given different weight when being presented to and consented by the GNSO council.

Subbiah and Avri...

((Crosstalk))

S. Subbiah: Yes, I had a comment there. And that was just, you know, I put it out there at the time in response to your email, just trying to take this to its logical various extremes. And then, you know, and I also read Avri's and others' comments to be followed-up later.

And my take on it is I think, you know, I think a sensible approach is the one that Avri is suggesting, despite what I said, is that, you know, I mean at the end of the day, the whole purpose - or the theoretical purpose or at least the purpose of the working group is to figure out what a good idea is or a bunch of good ideas, and so on, and was to basically be politicized as we discussed.

So is that the purpose? I don't know how it's going to happen in practice, but if that's the purpose and that's what we were talking about, then it seems to me that the merit should be on the idea itself, and unless that happens, the issue of whether it's an individual or note should become less important. And then the question is in practice how does that function.

Well, in practice it was just a one call with ten people in a working group trying to make decisions about a complex topic, I suspect it will just be knee-jerk politics though. However, if it is a working group like this, that means many times, conf calls over a period of time, eleven different views. You know, good ideas will emerge and there is a better chance that the idea would be what would come out, people would change their minds, so and so forth.

So if that were try then and that was the bet, then I think that, you know, trying to craft an answer to this on the basis of really not worrying so much about whether they are individual, but whether the group itself was at a well balance in the first place, right? And, you know, did you have a strong

consensus out of it. Does that make sense? I mean, and there needed to be the good idea that it is or it isn't.

Marika Konings: Avri, do you want to speak?

Avri Doria: I mean, yeah. I mean I guess. Like I said and like Subbiah repeated, it doesn't matter where a good idea comes from. It really doesn't matter when a good idea comes. Certain, constituencies and stakeholder groups are important, but that's why they have those special rights of getting constituency statements and everything else.

So if they either opted not to participate, because they just don't care, there is a problem and that needs to be looked at by the council in its managerial role. But if they've participated mostly in watching mode, they haven't had a lot to say, their issues were dealt with. Even if it was only two hyperactive individuals who were doing all the talking, and they were willing to sit there and let it happen, then, you know, I don't think it matters that, you know, they didn't contribute, as long as they are, their chances, their constituency reports, you know, and such.

Because very often people, you know, their political perspective allows them to just sit there quietly and say, hey I like the way this is going and I don't have to put my head on the block, . Don't have to use any of my political capital to get done what I needed done, because so and so is saying the right things, so I'm just going to sit back and let them do it.

Jonne Soininen: Yeah, this is Jonne, I mean, this is also one thing there is a cultural dependent thing as well. Some cultures don't like to speak that much and listen to the discussion when the discussion is going right. And some cultures like to talk a little bit more. So this also kind of like not speaking out just usually, at least in my view, does show some sort of consent or at least not opposition to the topic.

And like I really agree with Avri on this and Subbiah, as well, that every kind of thing that comes should be merited for its own, regardless of the person saying that, and so you shouldn't put extra weight on who it comes from. You should look at the situation is everything done right, and if everything has been done right, and there have been two people that have objections, but they were overruled by the rest of the group otherwise, and it seems that the rest of the group is right in some measure of right, so that they haven't missed anything, they just had differently right than the two people who were in opposition.

There shouldn't be any problem here. This of course is a case by case basis, because what we discussed when we were thinking about the process, if somebody brings up something and says look you have missed something important and this cannot go forward because you didn't understand this topic, that's maybe something different. But that has nothing to do with how many people there are in opposition of what that comes to, then it's still a question about the topic itself and the content.

S. Subbiah: This is Subbiah. I'm just thinking in terms of practical terms how would this work? Like, so I'm just articulating an example. I'm thinking there are going to be several, right now there are several constituencies, so I guess, you know, when a working group gets formed, it's unlikely the working group is going to have 50 people on it, right, I mean that's not going to happen, or 30 people even.

So it's going to be probably you know one from each sort of constituency, there are several constituencies out there, you know, and then there are going to be bunch of political, probably several. You know, that's how it's going to end up probably 15 to 20 people, max.

Now that's the group, and we're only looking at the case where this only applies to when there is strong consensus or rough consensus, because if it's all split up then it's we're not talking about it anymore, it's a decision that the

council is going to take. So how will a rough consensus form or strong consensus form, if the scenario is one from more or less several constituencies or whatever, they are there, several from political, well it's unlikely that a bunch of individuals could then corner the whole thing and get rough consensus across the room, right, because the numbers don't add up. You know, there won't be consent.

So therefore it would not happen. And this is assuming that at the end of every discussion point there is a roll call of consensus, right. I mean, all the constituency groups are all sitting there and they ask to acknowledge whether they are part of the rough consensus or not. So it's assumed they will say something at that point or remain silent to let rough consensus happen. So from that perspective, I can't see in practical terms, you know, how a small group of individuals can really force a bad idea through as a rough consensus.

Marika Konings: Cheryl, you had your hand raised before.

Cheryl Langdon-Orr: I did. I will just briefly add to what was said. I was very happy with what was said so I put my hand back down. It all comes down to the fact that if you're aiming at a consensus and it is as Subbiah was saying, then it is possible through the process, at least in the panels that I've worked in here in Australia, for one or two individuals to say we disagree. You know they disagree anyway, and you know they are going to be putting in a minority report, and that's fine.

And it's recognized in the minutes in the meeting, and in some ways there are no surprises from the minority report then. But, you know, there is no downside in this model where everything is providing you do get consensus or rough consensus. It's just agreed on during the process. People either have the opportunity to sway the group and they do that successfully, or if they are unsuccessful, they've still got the right to put in a minority report. And that's where the influence can be limited to or successful.

Marika Konings: Okay, thank you. So let's move on to Question 3. In making the assessment between rough consensus and strong support, should the working group chair factor in a difference between a vote that represents a whole constituency or stakeholder group and that of an individual with consensus vote. Again, Subbiah and Avri, you're both (unintelligible).

S. Subbiah: This gets tricky, obviously, the trickier version of the previous one. So I would say, I mean I would say at that at this point, again kind of drip towards what Avri was suggesting let the idea stand for itself.

So the way here out would be maybe to just say look, you know, in both these kind of cases, right, I mean where there's a sort of strong support case, basically you'd lay out exactly what the positions are and who is behind each of those positions. Meaning, you know, what the affiliation is this constituency member has with this camp, and this other view on that idea is made up of two individuals and another constituency or something like that.

Just lay out the exact view points of every group involved in it. And that should speak for itself, I guess, at least of not at the working group level that supplies the council level, right, then the council can think up what it wants, I don't know.

Marika Konings: Cheryl.

Cheryl Langdon-Orr: Thank you, and this is one I'd like to certainly support what's been said that it should not be of value. And again, reinforce what Subbiah was just saying and just give you an example why what we do need to attend to is the accuracy of the permanent record showing how things were discussed and what the views were.

Only this week we had a very, very tense meeting between our Australian government representative of the department and the board at (AUDA). A

very tense meeting, which got quite aggressive. It would have been avoided if our record of discussions and outcomes and the reasons for why our panels - five or six years ago recommended certain things and why it is now our policy, we're better and more generously recorded.

The outcomes were recorded but the mechanisms and the discussion and all the diligence that went into getting those consensus outcomes was not as fully recorded as we now wish they were. If they had of been, then reading the record would have avoided misinterpretation and misconception on the part of the government, and it's very hard to tell a government that they are bloody idiots and that they're wrong. We did manage that, but as you can imagine it was slightly painful experience. So I think it's important that we also (unintelligible) what is being said here and I agree with, we've a more fulsome recording of the process, so that could be looked at too.

S. Subbiah: This is a Subbiah again. So what I'm suggesting in practical in answer to that question is, you just go on, you manage to get rough consensus, well you think it's rough consensus if you manage to get strong support, you think it's strong support, but then you mention exactly kind of who was with which camp exactly.

You know, which constituency, and record it, so it's recorded as rough consensus but with the breakdown in detail. Or it's recorded as strong support with breakdown detail. And we pass that up to the council. And the council will then have to in that situation have to say look, if they wanted to downgrade a rough consensus back to just strong support, based on dicing the membership of the group, well then it will have to be an open process. They'll have to discuss it out with all the constituency members arguing one way or the other, right?

Marika Konings: Avri?

Avri Doria: Yeah. First of all I want to agree with almost everything Cheryl said, except for the fact that you can't tell government they're idiots. I don't want to agree with that statement at all, but actually I wanted to bring in another point, I just didn't want to be frivolous. And that's one of the things that was said is, you know, someone has a point of view, has an idea, they present it and can either sway people or not. I think it has to go a little further than that, and I think that's where it falls into the chair's responsibilities and the group responsibility that just because someone has a good idea doesn't mean they also have to be good at argumentation.

There might be a person that has wonderful ideas but can't express themselves worth a wick. And I think the chair's responsibility and perhaps other people's responsibility, those who are good at both understanding what someone is saying and present an argument, has to make sure that that person's idea is understood before it's disagreed with. It's still fine to be disagreed with, but you really have to make sure that, you know, even if the idea is expressed badly and totally unconvincingly, that someone takes the effort to try to present it convincingly, so the people can still say yes, yes I understand.

Because I could say A-B-C back to you and you know that I understand, but I still think C-D-E. And I think that's an important piece of it is. And that's chair's role, and every group has a couple of (unintelligible) in it that can argue any point of view. And I think they need to, to support the person who is not getting their point across.

S. Subbiah: May I add, a practical thing to what Avri is saying here. I think perhaps somewhere in there as part of this, there should be a recommendation that when you come to consensus or whatever, when you take that rough whatever, right, you make (around), you're making statements. And if there are different viewpoints, then perhaps the chair should actually describe each position carefully, you know.

Because the chair by then presumably has done its best to understand what the different positions are, and do its best to try to explain that position and then check with each camp to say, look, am I expressing you correctly, and then you know, what do people think about this. At the varying of viewpoint perhaps. That would be a way of insuring what Avri is talking about.

Marika Konings: Moving on to Question 4. Should the working group guidelines provide any guidance on what represents a balanced group? And should a working group or chair provide this to you or what it feels that recommendations are made on behalf of a representative working group, as a membership list might look representative but in fact has many who do not actively participate?

So Caroline here states that the working group ought to be able to evaluate its own representatives and opposing regards individual participants or the working group as a whole. And of course a balanced work group on one issue may be completely different to another one working on another issue. Because in fact the priorities will vary according to the subject matter.

There I think it would be difficult to provide guidelines on what a balanced group might look like. A working group can only reach out to all stakeholders and encourage them to join up but cannot force them to get involved. I think progressive representation is something that the chair should obtain by way of a side note when submitting the working group's recommendation.

Avri, do you have a comment here?

Avri Doria: Right, and thanks, I think it's one of my briefer ones, is that it's a working group chair's responsibility to not only try and recruit a balanced group. Now obviously he or she doesn't do it by him or herself but goes out and gets help. And also, as part of the report, you know, reporting on the degree to which it was balanced. And though again pointing out that the balance has to do more with, you know, the point of view than the groups and how many people from

a group participated. So it's the same theme I've been harping on all the way through.

S. Subbiah: Subbiah, unless someone else wants to say something, I think I jumped the gun on somebody just now. I just wanted to add maybe a practical something to that. Because it's very clear, there is no doubt about it, I mean the constituency of special people in a mix, because they've got (unintelligible).

So to help de-politicize all of this, I think one of the things that could be done to insure that is a balanced group, could be a recommendation when the chair is putting together the working group to say, look, reminder every constituency and almost in writing, remind them, this is the group that is going on. Do you want to send somebody. If nothing else, at least in an observer capacity, do you, and get it recorded so that at some level if they don't send somebody. To show that they were made aware and did not participate, so they have less people to argue later if rough consensus emerges that they are not in some sense happy with later on.

Marika Konings: And this is Marika, just to comment. I think that's something that indeed currently happens in practice, as well. I think at the start of a working group (unintelligible), whether all constituencies have someone there, and if not, we try to go back and say look, are you really sure there is no one there. And then things like constituency statements. If we don't receive anything, try to go back a couple of times, it's very important...

((Crosstalk))

S. Subbiah: But I think that perhaps - yeah, I understand that, but I'm trying to push a little bit more yet. I'm saying that when the report turns up, right, and it's a rough consensus, a strong support or whatever it is, and you know, hey this constituency said that, this individual supported that, so on and so forth.

Somewhere in there, as a kind of reminder, hey, some constituencies were just absent, even though they were asked to turn up. So it puts them in a kind of slightly embarrassing spot if they were to step up to council level and start, you know, pushing for something, right? I mean vote to vote they're right. But still it puts them - it visibly puts them, rather than people have forgotten already that these people didn't participate. Does that make sense?

Marika Konings: Any other comments?

S. Subbiah: I did want to make a frivolous comment, Avri, that, you know, I don't think that, you know, you don't get to tell government that they're idiots, it's assumed.

Avri Doria: Right. And if you're a contractor for the U.N. you do it very politely.

((Crosstalk))

Marika Konings: So based on the discussion, I'll, you know, put these notes out to the group. I'll base my calls on what's up here, because I think, you know, basically everyone has spoken to the point that they've made and add the information on the (unintelligible). In addition, my plan would be, as there haven't been any further comments on the two documents.

My proposal would be to now bring those two together into one document so people have a chance to review that and read through it and take into account - as well our discussion here, and see whether there are any places where they feel some of these (unintelligible) might need to be called out or additional guidance needs to be provided. So something to keep into the background for everyone's mind. And I hope to have that to review before the next meeting. Would you agree with that approach?

S. Subbiah: Sure.

Avri Doria: Yes.

Woman: Thank you.

Marika Konings: Is there anything else that we want to discuss in the last nine minutes of this call.

S. Subbiah: Yeah, I'd like to adjust my group list wish list.

Cheryl Langdon-Orr: I think you need to go to the Santa call for that one.

Woman: As it is her number.

Cheryl Langdon-Orr: I missed the call that's got to do with GNSO work groups. Do you have a Christmas it may be (unintelligible).

Avri Doria: We've got every kind of working group. There must be a Christmas wish list working team. Anyhow, happy holidays you all.

S. Subbiah: Merry Christmas.

Marika Konings: Thank you all for joining. Happy holidays.

Jonne Soininen: Merry Christmas everybody, bye.

Woman: Bye-bye.

END